



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Leif Andersson et al. Art Unit : 1653
Serial No. : 10/070,794 Examiner : Maryam Monshipouri
Filed : October 4, 2002
Title : VARIANTS OF THE GAMMA CHAIN OF AMPK, DNA SEQUENCES
ENCODING THE SAME, AND USES THEREOF

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed November 29, 2005, Applicants elect the invention of Group II(b), claims 11-17, 21-23, and 26-28 as they relate to isolated DNA sequences encoding a human AMPK subunit and a splice variant thereof (SEQ ID NOS:4 and 30).

Applicants respectfully note that the amino acid sequence set forth in SEQ ID NO:32 is a pig sequence. Thus, SEQ ID NO:32 should be included in Group II(a), not Group II(b).

The election is made with traverse. The Examiner stated that the inventions listed in Groups II(a) and (b) do not relate to a single general inventive concept because they are each products of unrelated chemical structure and function. Applicants respectfully disagree. All of the sequences set forth in SEQ ID NOS:2, 4, 28, 30, and 32 are AMPK sequences. In fact, the sequences set forth in SEQ ID NOS:2 and 4 are 97.05% identical, while the sequences set forth in SEQ ID NOS:28 and 30 are 85.99% identical. Thus, Applicants submit that these sequences have significant structural and functional similarity. As such, Applicants respectfully request reconsideration of the requirement for restriction of the claims to Groups II(a) and II(b).

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney's Docket No.: 11145-023US1

Applicants believe that no fee is due. Please apply any charges or credits to Deposit
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Respectfully submitted,

Date: December 16, 2005

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